

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GARY SALERNO

Plaintiff	:	
v.	:	3:CV-11-450
	:	(JUDGE MARIANI)
CHAD CUNNINGHAM, et al.,	:	
Defendants	:	

ORDER

AND NOW, THIS DTH DAY OF NOVEMBER 2013, upon consideration of Defendants' Motion for Summary Judgment (Doc. 18) and all accompanying briefs, **IT IS**
HEREBY ORDERED THAT:

1. Defendant's Motion for Summary Judgment (Doc. 18) is **GRANTED IN PART AND DENIED IN PART.**
 - a. **JUDGMENT IS ENTERED IN FAVOR OF DEFENDANT BOGAROWSKI AND AGAINST PLAINTIFF** because Defendant Bogarowski did not initiate criminal proceedings against Plaintiff.
 - b. Summary judgment is **DENIED** to Defendant Cunningham because there are genuine issues of material fact as to whether Defendant Cunningham had probable cause to arrest Plaintiff and whether Defendant Cunningham acted with malice.

2. The Court defers ruling on Defendant Cunningham's request for qualified immunity until the jury decides whether probable cause existed to arrest Plaintiff.



Robert D. Mariani
United States District Judge